

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1538.00  
**COMPLAINT INVESTIGATOR:** Roger Hubbard  
**DATE OF COMPLAINT:** February 28, 2000  
**DATE OF REPORT:** March 23, 2000  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** April 19, 2000

**COMPLAINT ISSUE:**

Whether the MSD of Pike Township and the West Central Joint Services violated:

- 511 IAC 7-12-1 with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically:
  - a. failing to provide access to the resource room and resource teacher for specified activities; and
  - b. failing to implement modifications and adaptations as stated in the IEP.

**FINDINGS OF FACT:**

1. The Student is twelve years old, in the fifth grade and is eligible for special education and related services as a student identified as other health impaired and having a communication disorder.
2. A CCC meeting was held on May 3, 1999. The IEP states that the Student will have access to resource services. The school admits that they failed to provide this service to the Student due to the fifth grade class moving to a different building.
3. On March 6, 2000, the Student began attending a daily resource program from 2:20 until 2:50 p.m.
4. The May 3, 1999, IEP also states that the Student would receive social interaction supports. Specifically, in the areas of friendship skills/ sharing/ negotiation /and conflict resolution. Beginning in December 1999, the Student began seeing a staff member at the local school who is completing his counseling internship. This staff member worked with the Student in December and January focusing on developing positive friendship building skills and diminishing negative attention seeking behavior. The staff member intermittently follows up with the Student to monitor his progress.

**CONCLUSION:**

1. Finding of Facts #2, #3 and #4 indicate that the school failed to implement the Student's May 3, 1999, IEP as written, specifically: failing to provide access to resource services and failing to implement modifications and adaptations in a timely manner. Therefore, a violation of 511 IAC 7-12-1 is found.

**The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusion listed above.**

**CORRECTIVE ACTION:**

The MSD of Pike Township and the West Central Joint Services shall:

1. Reconvene a CCC meeting by April 18, 2000, to discuss the need for compensatory resource services and specifically identify how the Student will receive social interaction supports. A copy of the CCC report/IEP shall be sent to the Division by April 25, 2000.